

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONGREGATION RABBINICAL COLLEGE
OF TARTIKOV, INC., et. al.,

Plaintiffs,

V.

VILLAGE OF POMONA, NY, et. al.,

Defendants.

CIVIL NO. 07:CV 6304 (KMK)

APRIL 7, 2017

DEFENDANTS' PROPOSED EXHIBIT LIST
PER JOINT PRE-TRIAL ORDERS AND F.R.C.P. § 26(a)(3)

Defendants, Village of Pomona, NY, et al. ("Pomona" or "Defendants"), through undersigned counsel, respectfully submit the following list of proposed trial exhibits to be included in the parties Joint Pre-Trial Order.

At this time, Defendants do not claim that all exhibits identified herein are admissible as full exhibits.¹ These documents are being listed so as to comply with the Court's Trial Management Order rules and subject to modification,

¹ By submitting this list and the accompanying exhibits, Defendants are in no way waiving their overarching relevancy objection as set forth in detail in Defendants' Motion in Limine to Exclude Legally Irrelevant Evidence (Dkt. No. 259) filed on March 31, 2017. Defendants' maintain their position that only the four local laws and the circumstances surrounding the enactment of those Local

amendment or addition at any time prior to filing of the parties' Joint Trial Management Report. Defendants expressly reserve the right to supplement this list prior to filing of the Joint Pre-Trial Order.

Defendants further reserve the right to use other exhibits not identified herein for rebuttal and/or impeachment purposes.

Ex. #	Date	Bates #	Depo. / Aff. Ex. #	Description	Status F / ID	Adm. Date	* One Star indicating Exhibits to which No Party Objects on Grounds of Authenticity ** Two Stars indicating Exhibits to which No Party Objects on any Grounds
1000	07/xx/1997 adopted 10/20/1997	POM0013088 - 0013144	Pl. Ex.91	Village of Pomona Master Plan Update			** ²

Laws are relevant and admissible. Defendants submit this list and the accompanying exhibits to preserve their rights to mount a defense should the Court deny their motion.

² Because this is a preliminary exhibit list, Plaintiffs' indications as to objections other than authenticity are based on Plaintiffs' best guess as to the purpose for which the exhibit is being offered and which portion of the exhibit will be used. For documents for which Plaintiffs indicate that there is no objection on any ground, if it becomes evident at trial that the exhibit is being used for a purpose other than Plaintiffs' best guess, Plaintiffs reserve the right to object. Similarly, for exhibits for which Plaintiffs have indicated that

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1001	08/06/2004	RC_00002636 – 0002627	Excerpt of Df. Ex. 10	Resolutions of Board of Trustees and Members of Congregation Rabbinical College of Tartikov, Incorporated			**
1002		RC_0004129		Site Location of Rabbinical College of Tartikov by Saccardi & Schiff, Inc.			*
1003		RC_0004130		Site Plan Layout of Location of Rabbinical College of Tartikov by Saccardi & Schiff, Inc.			*

there is an objection (other than authenticity), Plaintiffs state that there might be a valid objection (such as relevancy) to some purpose or portion of the exhibit, but not for other purposes or portions.

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1004			Df. Ex. 2	Proposed Rabbinical College of Tartikov Program Schedule			**
1005	01/09/2007	POM0013255 - 00013259	Pl. Ex. 602	Email with attachment from M. Castelluccio to preservamapo@optonline.net re: Re: Preserve Ramapo: Breaking News - Religious School with 4500 Residents Planned for Pomona			*
1006			Df. Ex. 12	Color copy of Plans from www.preserveramapo.org			*
1007			Ulman Aff. Ex. 6	Village Code § 130-2			**

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1008	12/22/2003	POM0005503 - 0005510		Rockland County Dep't of Planning General Municipal Law Review of Town of Ramapo Comprehensive Plan			**
1009			Ulman Aff. Ex. 15	New York State Village Law § 7-712(b)			**
1010		POM0014020 – 0014026	Pl. Ex. 13 Ulman Aff. Ex. 1	Local Law 1 of 2001			**
1011			Ulman Aff. Ex. 2	Local Law 5 of 2004			**
1012			Ulman Aff. Ex. 3	Local Law 1 of 2007			**

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1013			Ulman Aff. Ex. 4	Local Law 5 of 2007			**
1014	01/14/2000	POM0004314 – 0004319	Pl. Ex. 9	Frederick P. Clark Memorandum to Village of Pomona Planning Board re: YSV – Pomona (Primary School and Pre-School)			**
1015	01/24/2000	POM0014161 - 0014163	Pl. Ex. 28	Frederick P. Clark Memorandum to Mayor Herbert Marshall and Village of Pomona Board Trustees re: Proposed Primary School and Pre-School (YSV – Pomona) and the Village's Zoning and Regulations Regarding Schools			**

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1016	09/07/2004	POM0000618 - 0000619	Ulman Aff. Ex. 29	Memorandum from D. Ulman to Mayor and Board of Trustee re: Proposed Amendment to Zoning Law in relation to Schools			**
1017			Ulman Aff. Ex. 32	Revised Code of Town of Ramapo Chapter 376 - Definition of Dormitory			**
1018			Ulman Aff. Ex. 31	Village of Chestnut Ridge Zoning Law Article XVIII- Word Usage – Definition of Dormitory			

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1019	05/19/2000	POM0014128 - 0014136		Draft Memorandum from M. Healey, AICP (Frederick P. Clark) to Mayor Herbert Marshall and the Village of Pomona Board of Trustees Chairman Mel Cook and The Village of Pomona Planning Board			**
1020	08/09/2001	POM0004581 - 0004582		Memorandum from M. Healey, AICP (Frederick P. Clark) to Village of Pomona Planning Board re: YSV Pomona			*
1021	01/10/2008	RC 141 – 142		Affidavit of Jacob Hershkowitz in Support of Opposition to Defendants' Motion to Dismiss			**

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1022	11/29/1999	POM0004410 - 0004413	Df. Ex. 102	Narrative Summary, YSV Pomona by Leonard Jackson Associates			**
1023	12/15/1999	POM0004680 - 0004693	Pl. Ex. 10	Village of Pomona Planning Board Agenda and Minutes			**
1024	April 2002	POM0017514 - 0017517		The Village Green Newsletter			**
1025	07/10/2000	POMO015028 - 015036	Pl. Ex. 12	Facsimile with attached draft Memorandums dated 7/5/2000 and 5/19/2000 from R. Ortenberg to H. Marshall			**
1026	08/15/2001	POM0004709 - 0004731	Pl. Ex. 14	Village of Pomona Planning Board Agenda and Minutes			**

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1027	09/24/2001	POM0004282 – 0004286	Pl. Ex. 15	Facsimile with attach Memorandum dated 09/22/01 from PJ Corless to Board of Trustees re: YSV Realty Subdivision Schedule			*
1028	09/13/2001	POM0004732 – 0004741	Pl. Ex. 16	Village of Pomona Planning Board Agenda and Minutes			**
1029	12/19/2001	POM0004452 - 0004453	Pl. Ex. 17	State Environmental Quality Review Positive Declaration Notice of Intent to Prepare a Draft EIS Determination of Significance			*
1030	11/20/2001	POM0029541 – 0029553	Pl. Ex. 18	Village of Pomona Planning Board Agenda and Minutes			*

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1031	10/17/2001	POM0004742 – 0004751	Pl. Ex. 19	Village of Pomona Planning Board Agenda and Minutes			*
1032	06/20/2001	POM0004414 – 0004416	Pl. Ex. 20	Letter with attachment from D. Zigler to Village of Pomona re Correct Narrative Summary of YSV Pomona project			**
1033	12/16/2004	RC 267	Pl. Ex. 21	Affidavit of Rabbi Nosson Fromowitz			**
1034	02/23/2004	POM0036121	Pl. Ex. 22	Letter from M. Metzger (YSV) to Scott Shedler re: Pomona			**
1035				Intentionally Left Blank			N/A

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1036	10/15/2001	POM0017398 - 0017400	Pl. Ex. 93	Village of Pomona Corrected Workshop Meeting Minutes			**
1037	12/18/2000	POMO016211 - 016219	Pl. Ex. 98	Village of Pomona Board of Trustees Meeting Minutes			**
1038	03/23/2004	POM0036142	Excerpt of Pl. Ex. 100	Letter from M. Metzger (YSV) to H. Marshall			**
1039				Intentionally Left Blank			N/A
1040				Intentionally Left Blank			N/A
1041	12/18/2006	POMO016258 – 016276	Pl. Ex. 129	Village of Pomona Board of Trustees Meeting Minutes			**

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1042	02/12/2007	POMO016289 - 016294	Pl. Ex. 204 and Pl. Ex. 221	Village of Pomona Board of Trustees Meeting Minutes			**
1043	09/27/2004	POM0000432 - 000437	Pl. Ex. 207	Village of Pomona Board of Trustees Meeting Minutes			**
1044	05/29/1996	POM0002978 – 0002980	Pl. Ex. 226	Village of Pomona Board of Trustees Minutes – Special Meeting – Public Hearing			*
1045	06/15/2001	POM0004417 – 0004418	Pl. Ex. 318	Memorandum from M. Healey (Frederick P. Clark) to Village of Pomona Planning Board re YSV Pomona review of “Concept Plan”			**

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1046	09/20/2001	POM0004480 – 0004490	Pl. Ex. 319	Facsimile with attachment from M. Healey to H. Marshall attaching 09/07/2001 Memorandum re YSV Pomona – Residential Subdivision and Proposed School Development			*
1047	01/15/2001		Pl. Ex. 333	Memorandum from CEB to MAH re: Wetland Delineation and Soil & Erosion Comments for “The Park @ Pomona”			*

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1048	09/16/2008	FPC 0672 – 0683	Pl. Ex. 335	Memorandum from M. Saadani of Frederick P. Clark to Village of Pomona Planning Board re Traffic Review of Mesfita Beth Shraga			**
1049	04/30/2003	POM0005614	Pl. Ex. 346	Letter from L. Sanderson to Supervisor St. Lawrence and Town Council re opposition to downzoning of Patrick Farm property			**
1050	06/14/2004 06/28/2004	POM0000401 – 0000411	Pl. Ex. 466	Village of Pomona Board of Trustees Meeting Minutes			**

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1051	06/22/2007	POM0011625 - 0011626	Pl. Ex. 484	Letter from P. Savad to N. Sanderson re Congregation Rabbinical College of Tartikov			**
1052	07/03/2007	RC 42	Pl. Ex. 485	Letter from N. Sanderson to P. Savad			**
1053	01/23/2007	POM0011931 - 0011932	Pl. Ex. 364	Letter from S. Corallo to Pomona Village Board re: General Municipal Law Review: Village of Pomona - (Wetland Protection)			**

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1054	09/24/2001	POM0004270 – 0004281	Pl. Ex. 380	YSV Pomona Narrative Summary by Artzl, Scatassa & Zigler, Land Surveyors for the Village Board Meeting of September 24, 2001 with attached application			**
1055	06/08/2001	POM0004694 – 0004708	Pl. Ex. 382	Facsimile with attachment M. Cook attaching Village of Pomona Planning Board Agenda dated June 20, 2001			**
1056	08/05/2004	RC_00002806 – 00002814	Df. Ex. 8	Rockland County Recording Certificate Incorporation of Congregation Rabbinical College of Tartikov, Inc.			**

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1057	08/17/2004	RC_00002023 - 00002028	Gordon Aff. Ex. 19	Rockland County Recording Certificate of Transfer of Deed and the Bargain and Sale Deed			**
1058	01/22/2007	POMO016277 - 016279	Pl. Ex. 412	Village of Pomona Board of Trustee Meeting Minutes			
1059	01/xx/2001	POM0014137 - 0014140	Pl. Ex. 521	Mark Up Draft #2 of Local Law No.11-2000			**
1060	01/03/2001	POM0036811 - 0036816	Pl. Ex. 522	Facsimile with attachment from R. Ortenberg to H. Marshall attaching Mark Up Draft #3 of Local Law No. 11-2000			**

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1061	01/09/2008	RC 162	Df. Ex. 4	Letter from B. Fryshman, Association of Advanced Rabbinical and Talmudic Schools to M. Tauber			**
1062	05/14/2007	RC 39	Excerpt of Df. Ex.7	Letter from D. Ulman to P. Savad			**
1063	05/10/2007		Excerpt of Df. Ex.7	Letter to D. Ulman from P. Savad			**
1064	05/10/2007		Excerpt of Df. Ex.7	Letter from P. Savad to D. Ulman			**
1065				Intentionally Left Blank			N/A

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1066	03/26/2007		Excerpt of Df. Ex.7	Letter from P. Savad to D. Ulman			**
1067	08/17/2004	RC_00002618 - 00002684	Df. Ex. 10	Closing Statement – Yeshiva of Spring Valley to Congregational Rabbinical College of Tartikov, Inc.			**
1068	02/14/2002	POM0004668	Df. Ex. 111	Letter from D. Zigler to A. Lamer re: YSV Pomona - continuation of application			*
1069				The Constitution of the State of New York Article IX(1) Local Governments			**
1070	05/09/2007	RC 36		Letter from D. Ulman to P. Savad re: Review of applications			**

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1071	12/18/2006	RC 72 -73		County of Rockland General Municipal Law Review: Village of Pomona – Dormitory Buildings			**
1072	01/18/2007	POM0036196 – 0036201		Recorded Deed re: Property 620 Route 306 - Ramapo, Pomona (Book 2007 / Page 2599)			*
1073	01/18/2006	POM0036202 – 0036207		Recorded Deed re: Property 622 Route 306 – Ramapo, Pomona (Book 2007 / Page 2588)			*

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1074	01/18/2007	POM0036208 – 0036212		Recorded Deed re: Property 672 Route 306 – Ramapo, Pomona (Book 2007 / Page 2572)			*
1075	01/18/2007	POM0036213 0036217		Recorded Deed re: Property 614 Route 306, Ramapo, Pomona (Book 2007 / Page 2614)			*
1076	10/05/2006	POM0036228 - 0036232		Recorded Deed re: Property 612 Route 306, Ramapo, Pomona (Book 2006 / Page 53231)			*

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1077	10/12/2006	POM0036223 - 0036227		Recorded Deed re: Property 628/628A Route 306, Ramapo, Pomona (Book 2006 / Page 54447)			*
1078	10/13/2006	POM0036238 – 0036243		Recorded Deed re: Property 630 Route 306, Ramapo, Pomona (Book 2006 / 54586)			*
1079				Intentionally Left Blank			N/A
1080	01/22/2007	POMO016379 - 016381		Local Law 2 of 2007			**

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1081	03/06/2007	POMO16308 - 016318		Memorandum with attachment from D. Ulman to Mayor and Board of Trustees Village of Pomona re: Wetlands Local Law			**
1082	08/17/1965	POMO014668 - 014670		The Incorporation of the Village of Pomona			*
1083	12/20/2006	POMO016382 - 016383		County of Rockland re General Municipal Law Review: Village of Pomona – House of Worship			**
1084				Intentionally Left Blank			N/A

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1085	12/29/2003	POMO016410 – 016411		Memorandum from I. Banks to Mayor Marshall & Members of the Board to Trustees re: Tree Law Revisions			*
1086	05/14/1998	POM0030355 – POM0030386		Memorandum with attachment from R. Ortenberg to H. Marshall and Board of Trustees Village of Pomona re: Proposed Local Law for the Regulation of Wetlands			**
1087	01/xx/1998	POM0030387 – POM0030445		Model Ordinance for Wetland Protection – Westchester County Soil and Water Conservation District			**

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1088	04/xx/2009			College and University Residence Hall Design Guideline			*
1089	12/17/2002			SUNY, University Wide Policies and Procedures, Minimum Living Standard (Document 3451)			*
1090	2015			New York State, Division of Local Government Services, Zoning and the Comprehensive Plan			*

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1091	01/xx/1987			US Army Corps of Engineers, Wetlands Delineation Manual, Wetlands Research Program Technical Report Y-87-1 (Online edition)			**
1092				New York State Environmental Conservation Law, Article 24, Section 24-0501			
1093				New Hempstead Code, Chapter 179, Wetlands Law			**
1094				Code of the Village of Wesley Hills, Chapter 221, Wetlands Law			**

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1095				Town of Clarkstown, Town Code Section 290-3, Definition of Dormitory			
1096				Stony Point Town General Code, Section 215-5, Definition of Dormitory			**
1097				Code of the Village of Wesley Hills, Section 230-5 and 230-26 Laws re: Dormitory			**
1098				Town of Clarkstown, Town Code Section 290-3, Definition of School			

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1099				Town of Haverstraw, Town Code, Section 167-3, Definition of Schools			**
1100				New Hempstead Code, Section 285-3, Definition of School			**
1101				Code of the Village of Wesley Hills, Section 230-5, Definition of School			
1102				Local Law 1 of 2003			**
1103				Local Law 2 of 2003			*

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1104				Local Law 3 of 2003			*
1105				Local Law 4 of 2003			*
1106				Local Law 5 of 2003			*
1107				Local Law 6 of 2003			*
1108	09/xx/2003	POM0013598		Local Law 7 of 2003			*
1109	10/31/2003	POM0013650 – POM0013656		Local Law 8 of 2003			*

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1110	11/25/2003	POM0011906 – POM0011910		Local Law 9 of 2003			*
1111	02/27/2004	POMO016813- POMO016815		Local Law 1 of 2004			*
1112				Local Law 2 of 2004			*
1113				Local Law 3 of 2004			*
1114	09/15/2004	POM0011911- POM0011916		Local Law 4 of 2004			*
1115	09/27/2004	POM0011714 – POM0011717		Local Law 6 of 2004			*

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1116		POMO016837- POMO06838		Local Law 7 of 2004			*
1117				Local Law 8 of 2004			*
1118		POM0013690- POM0013692		Local Law 1 of 2005			*
1119				Local Law 2 of 2005			*
1120	08/15/2005	POM0012138 – POM0012141		Local Law 3 of 2005			*
1121				Local Law 4 of 2005			*

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1122	06/xx/2007	POM0017194 – POM0017197	Pl. Ex. 527	The Village Green Newsletter			**
1123		Rubenstein04076	Df. Ex. 503	Program for Community Forum on May, 21st			*
1124	03/27/2007		Rubenstein 30(b)(b) Ex. 701	Contract Agreement with invoice			*
1125	01/21/2015			Declaration of Michael Tauber			**
1126	01/21/2015			Declaration of Jacob Hershkowitz			**
1127	01/21/2015			Declaration of Meilech Menczer			**

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1128	01/21/2015			Declaration of Chaim Rosenberg			**
1129	07/10/2007	Rubenstein05139		Email chain re: media advice			*
1130	04/24/2008	Rubenstein04221		Email chain re: past due invoices			*
1131	05/05/2008	Rubenstein 05624 – 05625		Email chain re: Journal News			*
1132	01/21/2007			Article from Journal News Pomona college planner tried Staten Island site			*
1133				Village of Nyack, Village Code, Zoning Portion			**

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1134				Town of Brookhaven Wetlands Regulations			**
1135				Town of Wappinger Wetlands Regulations			**
1136				Town of LaGrange Wetlands Regulations			**
1137				Town of Haverstraw Freshwater Wetlands Law			**
1138				Village of Airmont Freshwater Wetlands Law			**
1139				Village of Montebello Wetlands Law			**

Ex. #	Date	Bates #	Depo. / Aff. Ex. #	Description	Status F / ID	Adm. Date	<p>* One Star indicating Exhibits to which No Party Objects on Grounds of Authenticity</p> <p>** Two Stars indicating Exhibits to which No Party Objects on any Grounds</p>
1140				Town of Stony Point - Freshwater Wetlands Law			**
1141				Village of Spring Valley Freshwater Wetlands Law			**
1142				Village of Wesley Hills Wetlands Law			**
1143				Village of Southampton Local Wetland Law			**
1144				Wetland Law for the Town of Yorktown			**
1145				Village of Piermont Local Wetland Laws			**

Ex. #	Date	Bates #	Depo. / Aff. Ex. #	Description	Status F / ID	Adm. Date	<p>* One Star indicating Exhibits to which No Party Objects on Grounds of Authenticity</p> <p>** Two Stars indicating Exhibits to which No Party Objects on any Grounds</p>
1146				Town of East Fishkill - Freshwater Wetlands Law			**
				All Affidavits from named Plaintiffs submitted in this matter			
				All Deposition Transcripts related to this matter			
				The entire Village of Pomona Code (or relevant excerpts thereto)			